

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|----------------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 8:05CR346 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | TENTATIVE FINDINGS |
| |) | |
| JEROME A. JACKSON, |) | |
| |) | |
| Defendant. |) | |

The Court has received the Presentence Investigation Report ("PSR") and the parties' objections thereto (Filing Nos. 32, 33). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

Both parties object to the drug quantity and base offense level set out in ¶ 18, based on the plea agreement. The Defendant raises additional objections that were not submitted to the probation officer pursuant to ¶ 4 of the Order on Sentencing Schedule (Filing No. 21) and do not affect the sentencing guideline calculation.

IT IS ORDERED:

1. The government's Objections to the Presentence Investigation Report (Filing No. 33) are granted;
2. Defendant's Objections to the Presentence Investigation Report (Filing No. 32) are granted in part and denied in part as follows:
 - a. The objections to the drug quantity and base offense level in ¶ 18 are granted; and

- b. The remaining objections are denied;
3. Otherwise the Court's tentative findings are that the Presentence Investigation Report is correct in all respects;
4. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;
5. Absent submission of the information required by paragraph 4 of this Order, my tentative findings may become final; and
6. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 22nd day of March, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge